United Nations S/PV.3634

# Security Council
Fifty-first Year

*Provisional*

**3634**th Meeting
Tuesday, 27 February 1996, 3.10 a.m.
New York

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| *President:* | Mrs. Albright | (United States of America) |
| *Members:* | Botswana | Mr. Legwaila |
| | Chile | Mr. Somavía |
| | China | Mr. Qin Huasun |
| | Egypt | Mr. Elaraby |
| | France | Mr. Dejammet |
| | Germany | Mr. Eitel |
| | Guinea-Bissau | Mr. Mano Queta |
| | Honduras | Mr. Rendón Barnica |
| | Indonesia | Mr. Wibisono |
| | Italy | Mr. Ferrarin |
| | Poland | Mr. Wlosowicz |
| | Republic of Korea | Mr. Park |
| | Russian Federation | Mr. Lavrov |
| | United Kingdom of Great Britain and Northern Ireland | Mr. Gomersall |

## Agenda

Shooting down of two civil aircraft on 24 February 1996

Letter dated 26 February 1996 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/1996/130)

96-85206 (E)

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*The meeting was called to order at 3.10 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**Shooting down of two civil aircraft on 24 February 1996**

**Letter dated 26 February 1996 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/1996/130)**

**The President:** I should like to inform the Council that I have received a letter from the representative of Cuba in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Rodriguez Parrilla (Cuba) took a seat at the Council table.*

**The President:** The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in response to the request contained in the letter dated 26 February 1996 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, document S/1996/130. Members of the Council have received photocopies of a letter dated 26 February 1996 from the chargé d'affaires ad interim of the Permanent Mission of Cuba to the United Nations addressed to the President of the Security Council, which will be issued as a document of the Security Council under the symbol S/1996/137.

I call on the representative of Cuba.

**Mr. Rodríguez Parrilla** (Cuba) *(interpretation from Spanish)*: Thirty-five years ago, in this very Chamber, a United States Ambassador presented photographs and evidence of Cuban military aircraft alleged to have rebelled against our Government and bombed airports in Cuba. A few days later the President of the United States took it upon himself to refute this allegation and acknowledged his Government's responsibility for those actions, which preceded the Bay of Pigs invasion. Today similar slanders are coming from similar sources. Let us hope that honesty and courage will lead to their refutation.

Meanwhile, this Council, frequently slow and negligent, is once again, with its actions today, rushing into a distortion of its mandate under the Charter to safeguard international peace and security. International peace and security are not what is threatened today; it is the peace, sovereignty, territorial integrity and security of Cuba, which have been endangered for more than 35 years, precisely because of those who today, from a position of strength, are promoting actions against my country and trying to manipulate this Organization and this Council.

During the past 20 months, 25 aircraft originating in United States territory have violated Cuban airspace. In every case this has been officially communicated to the United States interests section in Havana.

The Government of the Republic of Cuba has irrefutable proof that the two aircraft in the present case were in Cuban airspace when they were shot down. On that same day — 24 February — three aircraft originating in the United States had violated Cuban airspace in the morning hours.

Two hours before being shot down, one of the pilots of the aircraft heading for Cuba was warned that defences had been activated in various areas north of Havana and of the risk they would run by entering those areas. He replied that he would fly there despite the prohibition.

Cuba has repeatedly communicated, both publicly and officially to the Government of the United States — including to the Federal Aviation Administration — the dangers to aircraft that such unauthorized flights in our airspace entail. Despite those warnings, which it publicly acknowledges on several occasions, the Government of the United States of America took no effective measures to prevent such flights from taking place in Cuban airspace.

On many occasions, including very recently, Cuban territorial waters and airspace have been violated by organizations based in the United States that, in civilian guise, have committed innumerable terrorist acts, while no effective measures have been taken by the Government of that country to stop such actions originating in its territory.

A few hours ago the testimony of Juan Pablo Roque, one of the pilots of the organization Brothers to the Rescue, was made public. It included irrefutable proof of the links between that organization and the Cuban American National Foundation, which is known to engage in terrorist activity, and ultra-reactionary American Congressmen. The pilot testified that he had been instructed to carry explosives and explore Cuban roads and economic targets where they could be placed.

The pilot's testimony says,

> "For example, in 1993 José Basulto, the President of the organization Brothers to the Rescue, asked me for information on specific stretches of road in the city of Cienfuegos where an aircraft could land and unload explosive charges, to be placed in high tension towers that would then be blown up, thereby affecting the national energy system. I can say that from November 1994 to April 1995 Basulto gave me instructions on anti-personnel pellet weapons that were to be introduced into the country for the purpose of carrying out attacks on persons, particularly attempts against the life of President Fidel Castro."

There is also a plan by which Mr. Basulto wants to link even more closely the anti-revolutionary forces in Miami with elements that might support internal terrorist plans in Cuba.

The pilot stated that Mr. Basulto had personally engineered the purchase of a Czech-made L-29 aircraft, Dolphin model, to train pilots in take-off and landing on various stretches of road and airstrips, with the goal of carrying out direct assaults against Cuban bases and military installations. He went on to point out that the funds for all of these activities originate essentially in the Cuban American National Foundation. He pointed out that the main purpose was to provoke incidents to heighten tension in relations between Cuba and the United States. Finally, he added that he had personally informed Federal Bureau of Investigation (FBI) agent Oscar Montoto, under the alias "The Slim Man", of all the operations undertaken by Brothers to the Rescue in violation of Cuban airspace.

Violations of Cuban airspace have increased and become more provocative since the signing and implementation of the migration agreements between Cuba and the United States, the hindering of which is an avowed objective of the organization Brothers to the Rescue. That organization, both before and after the signing of the migration agreements between Cuba and the United States, has been engaged in the illegal transport of immigrants, in violation of Cuban and United States laws and of United Nations norms.

The behaviour of the Government of the United States in attempting to unscrupulously manipulate this incident for political purposes, is fully in keeping with that Government's record of protecting and defending well-known international terrorists, such as Orlando Bosch, Luis Posada Carriles and Hernán Ricardo, all responsible for the murder of 72 persons through the sabotage of an airborne Cuban commercial aircraft in 1976. That genocidal act did not prompt the slightest denunciation by the United States. Instead of bringing the matter to the United Nations, it took it upon itself to guarantee the necessary economic and political resources for protecting the perpetrators.

According to its own statements, Brothers to the Rescue has dedicated itself in recent months to provocative activities intended to subvert Cuba's constitutional order. Its leader, a participant in the events of 24 February, has publicly announced its recent contributions, amounting to thousands of dollars, to illegal organizations operating in Cuba in the service of a foreign Power. The interfering attitude of the United States, in an attempt to legitimize a non-existent right to determine the future of Cuba, has created a provocative context for these organizations, which hope to be able to act with impunity, guaranteed the protection and encouragement of the Government of the United States.

It is regrettable that certain provisions of the Convention on International Civil Aviation are subjected to partial and unilateral interpretation. We are amazed that due reference has not been made to the undue use of civil aviation in terms of article 4 of that instrument, which states:

> "Each contracting State shall agree not to use civil aviation for purposes which are incompatible with the purposes of this Convention."

We are also amazed that in the flagrant manipulation being performed today no reference is made to subparagraph (d) of new paragraph 3 *bis*, which was incorporated into the treaty in 1984, and which clearly stipulates,

> "Each contracting State shall take appropriate measures to prohibit the undue use of civil aircraft registered in that State, or used by a user whose

main office or permanent residence is in that State, for any purpose which is incompatible with the purposes of this Convention."

In that regard, we can construe "incompatible purposes" as those that preclude the purposes contained in article 44 of the Chicago Convention. Thus, examples of incompatible purposes would be those that preclude or endanger the peaceful use of civil aircraft, that are incongruous with the harmonious coexistence of States or that violate a State's own air regulations or those of other States.

The Chicago Convention is one of those treaties containing a preamble that constitutes a commitment by virtue of its structure. Its clauses set forth and determine the purposes for which the provisions of the treaty are to be applied — for example, so that

"the future development of international civil aviation can make a vigorous contribution to the creation and preservation of friendship and understanding among the nations and the peoples of the world, whereas its misuse could constitute a threat to general security."

I should like to draw attention to a note now being disseminated by the Cuban Ministry of Foreign Relations:

"Yesterday, the President of the United States made a statement to the press in further reference to last Saturday's incident, in which two pirate aircraft, originating from a base in Florida, once again penetrated Cuba's maritime space and airspace and were shot down. William Clinton's words were intended, first, to reaffirm the main arguments used to condemn the events from some people's point of view and were therefore nothing new; and, secondly, to announce the measures to be applied against our country.

"As a first step, the President promised agreement with the Congress of his country, with which he has had differences in this regard, in adopting the Helms-Burton bill, which is aimed at further strengthening the blockade of Cuba. He asked for the support of the Security Council in condemning and imposing sanctions on Cuba, a position that contradicts the General Assembly's condemnation, on four consecutive occasions, of the United States economic blockade against Cuba.

"Another measure proposed — the suspension of travel to the island by Cuban-Americans — affects primarily many families living in the United States, mainly in Florida, as well as in our country. The proposal to raise funds to increase the broadcast capabilities of the misnamed Radio Martí is in clear contradiction of the position of some sectors in the United States that advocate cutting the costs incurred by such forms of interference.

"Above and beyond the contradictions and absurdities of these measures, the greater injustice is that they are being taken against a country that is the victim of the blockade, of terrorist acts and of repeated and increasingly arrogant violations of Cuban airspace and maritime space. What measures are to be taken against terrorist organizations that, from United States territory, plan and carry out armed actions and violations of the airspace of a sovereign nation? What measures are to be taken against the authorities of the United States, who have been warned more than once and whose duty it was to prevent these flights?

"There is no reason whatsoever to impose sanctions on Cuba. However, the unfair and cruel measures announced by President Clinton seem meagre to the representatives of the extreme right of Cuban descent in the United States who, in calling for increasingly severe sanctions, only contribute to exacerbating the political climate in the United States with the aim of hamstringing the incumbent President in the 1996 elections. The extreme right based in Miami and its gangs, acting at the margins of American law and having turned that Florida city into their private demesne, have brought their ideas to prevalence through blackmail and terror. The intolerance of these gangsters of the extreme right has become the prevailing norm of conduct there, recalling the worst days of the medieval Inquisition.

"A cable sent out from Miami yesterday by the British news agency Reuters stated that the radio stations in that city continue today to be a forum for the most intransigent and virulent sectors, which have clamoured for embassies and agencies that organize travel to Cuba to be burned down, for aircraft flying to the island to be blown up, for President Fidel Castro to be assassinated or for another invasion to be launched. The dispatch concluded by stating that spokesmen for groups of the extreme right, complaining that the United States

has tied the exiles' hands, have called for war preparations.

"Added to these howls from Florida are the aggressive statements made yesterday in El Salvador by Secretary of State Warren Christopher, in which he asserted that President Clinton had not included any military action against Cuba among his measures, but reserved the right to adopt such measures against the island: new threats, new measures against our economy, new actions to intensify the blockade, new laws to bring the people to their knees through hunger and illness.

"The leaders of the United States and the miserable traitors in our country who try to collaborate with them should know: this is a struggle to the death for the fatherland. Cuba does not fear or accept threats. It has heard them in heaps for more than 35 years and has never trembled before them, not even when facing the possibility of nuclear destruction. This position was clearly laid out in the notes sent out recently by the Ministry of Foreign Relations and was reaffirmed yesterday at a press conference by the President of the National Assembly of People's Power, Ricardo Alarcón de Quesada.

"Furthermore, the clear and unwavering position of our small country currently enjoys the solidarity of the most diverse organizations in various parts of the world. Now, after the fact, laments are being heard for the loss of human life, but the bitter truth remains that, when pirate air raids could have been discouraged, prohibited and stopped by those who had the power to do so, repeated warnings were ignored, and some even applauded those reckless adventures.

"These events are taking place as we approach the thirty-fifth anniversary of the Bay of Pigs victory, fully and unflinchingly determined to face and quash again other such attacks as circumstances require, on the basis of our constant will to wage a defensive war that will never end in triumph for the aggressors. Our people's spirit of struggle and victory remains staunch in the face of any threat."

In view of the hour and of the fatigue of representatives, I shall not present in full the notes from my Ministry of Foreign Relations or the chronology of violations of Cuban airspace between 1994 and 1996; these can be made available to delegations in the form of official documents.

On many occasions — and when serving on the Council my country was no exception — Presidents of the Security Council have invoked rule 20 of the Council's provisional rules of procedure to demonstrate clearly to the international community that, in line with basic ethical behaviour, they would not attempt to benefit from the prerogatives of their office. Such behaviour has been lacking in this instance, and it is abundantly clear that the fact that the United States is presiding over the Council at this time has engendered a very particular dynamic and very particular features in the Council's work.

I wish in conclusion to make it very clear to the Security Council that neither the presidential statement before it, if issued, nor any other action will be acceptable to Cuba if it does not include a clear, unequivocal condemnation of the acts of aggression against my country carried out from the territory of the United States, a clear condemnation of the flagrant violations of its air space and territorial waters and an explicit condemnation of the terrorist acts against Cuba and its people that have been and continue to be committed and brazenly planned.

We hope that sanity will prevail and that the members of the Security Council will have the wisdom needed to put an end here and now to the unfair, inequitable and grossly manipulative proceedings initiated against my country.

**The President:** I thank the representative of Cuba for the kind words he addressed to me.

I shall now make a statement in my capacity as the representative of the United States.

The United States reserves its right to respond to the unfounded comments in the statement of the Cuban representative.

I now resume my functions as President of the Security Council.

There are no further speakers. The views of the members of the Council will be expressed in a presidential statement at the next meeting of the Council.

The next meeting of the Security Council, to continue consideration of the item on the agenda, will take place immediately following the adjournment of this meeting.

*The meeting rose at 3.45 a.m.*